

REMARKS

I. CLAIM REJECTIONS UNDER §101

A. **Claims 25 and 40**

Claims 25 and 40 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Specifically, the Examiner stated that the newly added limitation of making the data available to an entity is not a physical transformation outside of the computer, and does not provide any practical application to the data.

Accordingly, Applicant proposes to amend claims 25 and 40 to replace the following phrase:

“making the token T and the responses  $D_i$  available to at least one of a public or a verifying entity”

with the phrase:

"performing at least one of transmitting the token T and the response  $D_i$  to at least one (predetermined) verifying entity, or storing the token T and the response  $D_i$  on a database accessible (or available) to the public or to at least one (predetermined) verifying entity".

The elements in parenthesis refer to further elements that Applicant is willing to enter if necessary, at the Examiner's preference.

The steps of “transmitting” and “storing” result in a physical transformation outside of a computer and/or are limited to a practical application within the technological arts.

B. **Claim 40**

In addition, claim 40 presently includes the preamble, “A computer readable medium storing instructions which when executed cause a processor to execute the following method.”

According to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (Official Gazette, November 22, 2005), when functional descriptive material is recorded on some computer-readable medium it becomes structurally and

functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

Claim 40 is therefore directed to statutory subject matter independently of the above amendments.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,  
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